IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2496 OF 1990

Smt.Chandabi w/o Gani Patel
& Ors. ...Petitioners

Versus

Shripati Govinda Shinde,
D/H - Dattatraya Shripati
Shinde & Ors. ...Respondents

.....

Mr.V.A.Thorat for Petitioners.

Mr.R.G.Ketkar for Respondents 1 to 7.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 23, 2004.

P.C.

1. The only grievance made in this Petition is with regard to the observation made by the Tribunal in the operative order, which reads as follows:

> "..... The tenant, if advised, would move for obtaining possession and then also for starting the proceeding under Section 32-G and 33-C of the Tenancy Act.....".

2. According to the Counsel for the Petitioner, the observation referred to above is in the nature of direction. I find no substance in this submission. Whereas, the Court has only expressed that it is open to the tenant to take recourse to remedy as may be permissible by law. That does not result in issuing direction as such. Besides, the interim order dated 12th September 2003, the Petitioner was called upon to explain the position obtained after the finality of order in relation to the proceedings under Section 88C of the Act. Inspite of sufficient opportunity given to the Petitioner, the Counsel for the Petitioner is not in a position to state the fall out of the said proceedings even today. Learned Counsel states that he has no instructions in the matter

inspite of intimation sent to the Petitioner. In any case, I see no substance in the abovesaid submission.

3. Dismissed.

A.M.KHANWILKAR, J.